IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 14TH FEBRUARY 2007 / 25TH MAGHA 1928

WP(C).No. 5112 of 2007(H)

PETITIONER:

C.O. JOHNSON, CHEERAN HOUSE,
P.O.NEDUPUZHA, THRISSUR.

BY ADV. SRI.P.DEEPAK

RESPONDENTS:
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1. THE SECRETARY, REGIONAL TRANSPORT AUTHORITY, MALAPPURAM.

2. M. SHAJI, S/O.MOHAMMED HAJI, MEMBATH HOUSE, PERUMPADAPPU, PONNANI.

BY GOVERNMENT PLEADER SMT.MEERA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR,J.

WP(C)NO.5112 OF 2007-H

Judgment

The petitioner is operating the stage carriage KL-8/Y-52 on the route Kodungallur-Guruvayur-Kozhikode-Thrissur-Kodungallur, as limited stop fast passenger. There is time clash between the time schedule of the said service and that of the 2nd respondent's service, contained in Ext.P3, granted to his vehicle KL-10/N-9241, operating on the route Palappetty-Guruvayur-Kozhikode. So, the petitioner has filed Ext.P4 representation before the 1st respondent, praying to modify the running time of the 2nd respondent's service contained in Ext.P3.

2. Ext.P3 is dated 18.10.2001. Ext.P4 is filed on 06.11.2006. If the petitioner was aggrieved by Ext.P3, he should have challenged it before the STAT, immediately after the issuance of that time schedule. The petitioner submits, he came to be the owner of the service only recently, i.e., on 02.09.2006, as a result of the transfer of permit, as evident from Ext.P1. That means, his predecessor-in-interest has suffered Ext.P3. Therefore, the petitioner cannot demur against it as the successor in interest. So, no direction can be issued to consider Ext.P4. The petitioner may move for modifying his own time schedule, so as to avoid any time clash. Subject to that right, the Writ Petition is dismissed.

14.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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